

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RECHETTA SPENCER,

Plaintiff,

v.

CITY OF DETROIT and
SGT. HARRIS,

Defendants.

Case No. 10-14870

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff filed this action against the City of Detroit and Sergeant Harris, alleging the following causes of action: Count I, violation of Fourth and Fourteenth Amendment rights, under 42 U.S.C. § 1983; Count II, assault and battery; Count III, intentional infliction of emotional distress; Count IV, gross negligence; and Count V, false imprisonment/arrest.

Count I gives rise to federal question jurisdiction under 28 U.S.C. § 1331. The remainder of Plaintiff's Complaint alleges causes of action based solely on state law. In order to avoid jury confusion, the court will decline to exercise supplemental jurisdiction over the state law claims. *See* 28 U.S.C. § 1367(c); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); and *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts II, III, IV, and V are **DISMISSED**.

Date: February 3, 2011

s/John Corbett O'Meara
United States District Judge

I hereby certify that a copy of this order was served upon counsel of record on this date, February 3, 2011, using the ECF system.

s/William Barkholz
Case Manager